

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|-------------------------|---|------------------------|
| SEAN M. FRYER , | : | |
| Plaintiff, | : | 1:19-cv-0046 |
| | : | |
| v. | : | Hon. John E. Jones III |
| | : | |
| LACKAWANNA COUNTY JAIL, | : | |
| MEDICAL STAFF AT LCJ, | : | |
| Defendants. | : | |

ORDER

May 21, 2019

NOW THEREFORE, upon consideration of Plaintiff's Complaint (Doc. 1),
and in accordance with the Court's Memorandum of the same date, it is hereby
ORDERED that:

1. Plaintiff's Application for Leave to Proceed *In Forma Pauperis* (Doc. 6) is GRANTED.
2. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the Application for Leave to Proceed *In Forma Pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:

(A) the average monthly deposits in the inmate's prison account for the past six months, or

(B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

4. The Clerk of Court is DIRECTED to send a copy of this Order to the Superintendent/Warden of the institution where Plaintiff is presently confined.
5. The Complaint is DEEMED filed.
6. Plaintiff's complaint (Doc. 2) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
7. The Clerk of Court is directed to CLOSE this case.
8. Plaintiff may file, on or before June 4, 2019, a proposed amended complaint.
9. The proposed amended complaint shall be accompanied by a motion to reopen the case and contain the same case number that is already assigned to this action, 1:19-cv-0046.
10. The proposed amended complaint shall be direct, concise, and shall stand alone without reference to any other document filed in this matter or any other civil matter. *See* FED. R. CIV. P. 8(d)(1).
11. Plaintiff is strictly cautioned that the inclusion of separate, unrelated claims or additional defendants will be considered a failure to comply with an order of court and will result in a denial of the motion to

reopen and the striking of the proposed amended complaint. *See* FED. R. Civ. P. 20(a)(2).

s/ John E. Jones III

John E. Jones III

United States District Judge